REMARKS

In the above-mentioned final Office Action, all of the pending claims, claims 1-8, were rejected. Claims 1, 3, and 5 were rejected under Section 103(a) over the combination of *Seekins* and *Sykes*. Claims 2, 4, 6, and 7 were rejected under Section 103(a) over the combination of *Seekins*, *Sykes*, and *Schwinke*. And, claim 8 was rejected under Section 103(a) over the combination of *Seekins*, *Sykes*, and *So*.

Responsive to the rejections of the claims, independent claims 1 and 5 have been amended in manners believed better to distinguish the invention of the present application over the cited combination of references used against the claims.

With respect to exemplary claim 1, the claim has been amended to recite now that the operation of scanning is performed when the user equipment is not camped in a cell and prior to cell selection. Additionally, claim 1 has further been amended, now further to recite the operations of identifying the cell which best meets a cell selection criteria, of determining whether the identifying cell is suitable, and identifying the cell with the next strongest signal when the identified cell is deemed unsuitable. Claim 5 has been analogously amended to include the recitations that the apparatus is further arranged to carry out the steps of identifying the cell which best meets a cell selection criteria, determining whether the identified cell is suitable, and identifying the cell with the next strongest signal when the identified cell is deemed unsuitable.

Dependent claims 2 and 6, which included various of the recitations, now recited in claims 1 and 5, as now-amended, have been canceled. As now-amended, independent claims 1 and 5 are believed to be distinguishable over the combination of references used to reject the claims.

With respect to claim 1, neither *Seekins*, nor *Sykes*, nor *Schwinke* disclose a method in which measurements are taken in a mobile telecommunications system, including, when the user equipment device is not camped on a cell and prior to cell selection of scanning frequency bands, generating measurement data when the received signals include more than just one signal, identifying the cell which best meets a cell selection criteria, determining whether the identified cell was suitable, identifying the cell with the next strongest signal, and determining whether the

newly identified cell is suitable.

The Examiner acknowledged that *Seekins* fails to disclose generation of measurement data for more than one signal per frequency. Review of *Seekins* further indicates that there also is no disclosure of this operation prior to cell camp-on and cell selection. *Seekins* also fails to disclose scanning of frequency bands to generate measurement data for signals received from cells of the network. Rather, reference appears to be made only to the scanning of carrier signals at each control frequency.

Seekins further fails to disclose the operation of scanning for signals from cells of the network, as contrasted to carrier frequencies, prior to cell camp-on and cell selection. And, yet further, *Seekins* further fails to disclose, prior to cell camp-on and selection, an operation of identifying, from the generated data of a best cell, or determining whether the identified cell is suitable, or identifying, from the generated data, a next best cell if the best cell is deemed unsuitable, all now as now-recited.

Sykes also fails to disclose such methodology. Again, in *Sykes*, there is no disclosure of pre-camp-on identifying of a best cell, nor of identification of whether a cell is suitable, and when not suitable, of identifying from previously generated data of a next strongest cell.

In general, the invention of the present application addresses the problem with prior art methods that utilized a complex approach to identifying best, suitable cells. Prior art methods further, when an identified cell is found but is not a suitable cell, required a rescan to identify another cell.

In contrast, the recited invention of the present application addresses the problem not only by the scanning, and generation of data, with more than one signal per frequency where necessary, pre-camp-on and cell selection, but when a cell is found unsuitable, a next best cell can be selected from the previously generated data, still prior to camp-on, without the need for a time intensive re-scan.

In *Seekins*, prior to camp-on, the only scans in generation steps that are performed relate to identification of control carrier signals at preferred control frequencies. There is no identification of a best cell from measurement date. Rather, a strongest carrier is chosen, and a

cell that corresponds to the strongest carrier signal is used for connection purposes. *See*, e.g., column 3, lines 6-9. Further, it is not possible, using the technology of *Seekins*, to determine whether a cell best meets a cell selection criteria prior to camp-on. It is only after the "step of connecting", e.g., column 3, lines 8-14, that the method disclosed in *Seekins* determines whether a cell is suitable.

Note is further made that, in the event that a cell is deemed unsuitable, after camp-on, a further scan is performed in *Seekins*. This recourse to a further scan runs counter to the efficient approach of the claimed invention of the present application in which a further next cell is, counter-intuitively, identified from previously gathered measurement data. *Seekins*, in fact, directs a skilled person away from the present invention for the reason that the second scan actually excludes the frequencies previously used to generate measurement data, in contrast to the recitations of claims 1 and 5.

The difference between the "camp-on, determined cell suitability" method of *Seekins* and the off-camp determination used in the present invention is illustrated through a comparison of Figure 2 of *Seekins*, steps 208 and 224 "connect", and steps 310, 410, and 510 of Figures 3-5 of the present application.

Furthermore, *Schwinke*, is relied upon by the Examiner merely for showing that when a voice channel is unavailable in a first carrier, of switching to a second carrier and scanning the second carrier for the strongest signal. There, therefore, again is no disclosure of the operations recited in claim 1, of when the user equipment is not camped in a cell and prior to cell selection.

No combination of *Sykes*, *Seekins*, and *Schwinke* can be formed, therefore, to produce the method recited in claim 1, or the analogous structure recited in claim 5, all as now-amended.

As the remaining ones of the dependent claims include all the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited combinations for the same reasons as those given with respect to their parent claims.

Accordingly, in light of the foregoing, independent claims 1 and 5, as now-amended, and the remaining ones of the dependent claims, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully

requested. Such early action is earnestly solicited.

Respectfully submitted,

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